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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 WILBER GLENN HOLLAND,

9 Plaintiff,

10 vs.

11 STATE FARM MUTUAL AUTOMOBILE
12 INSURANCE COMPANY,

13 Defendant.

Case No. 2:12-cv-01058-LDG-GWF

ORDER

14 This matter comes before the Court on Defendant's Motion to Strike Plaintiff's Expert
15 Witness (#20), filed on March 28, 2013. Plaintiff filed a Response (#22) and Counter-motion for
16 Leave to Designate Expert Witness (#23) on April 14, 2013. Defendant filed a Reply (#25) on
17 April 24, 2013. Defendant filed an Opposition (#26) to Plaintiff's Counter-motion (#23) on April
18 30, 2013. The Court conducted a hearing on the Motion (#20) and the Counter-motion (#23) on
19 May 2, 2013. *See Minutes of Proceedings, Doc. #27.*

20 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike Plaintiff's Expert is
21 **denied** for the reasons stated on the record at the May 2, 2013 hearing.

22 **IT IS FURTHER ORDERED** that Defendant is awarded its reasonable attorneys' fees and
23 costs for bringing its Motion (#20) as follows:

- 24 (1) Defendant shall, no later than **May 16, 2013**, serve and file a memorandum,
25 supported by the affidavit of counsel, establishing the amount of attorney's fees and
26 costs incurred in preparing its Motion (#20). The memorandum shall provide a
27 reasonable itemization and description of the work performed, identify the
28 attorney(s) or other staff member(s) performing the work, the customary fee of the

1 attorney(s) or staff member(s) for such work, and the experience, reputation and
2 ability of the attorney performing the work. The attorney's affidavit shall
3 authenticate the information contained in the memorandum, provide a statement that
4 the bill has been reviewed and edited, and a statement that the fees and costs
5 charged are reasonable.

6 (2) Plaintiff shall have until **May 23, 2013** to file a responsive memorandum
7 addressing the reasonableness of the costs and fees sought, and any equitable
8 considerations deemed appropriate for the court to consider in determining the
9 amount of costs and fees which should be awarded.

10 (3) Defendant shall have 7 days from service of the responsive memorandum in
11 which to file a reply.

12 **IT IS FURTHER ORDERED** that Plaintiff's Counter-motion (#23) for Leave to
13 Designate Expert Witness is **granted** for the reasons stated on the record at the May 2, 2013
14 hearing.

15 **IT IS FURTHER ORDERED** that Defendant shall have until **June 17, 2013** to disclose a
16 rebuttal expert in accordance with Rule 26(a).

17 **IT IS FURTHER ORDERED** that the Parties shall file a proposed stipulation to extend
18 the discovery in this matter no later than 7 days after the date of this Order.

19 DATED this 7th day of May, 2013.

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22 GEORGE FOLEY, JR.
23 United States Magistrate Judge
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